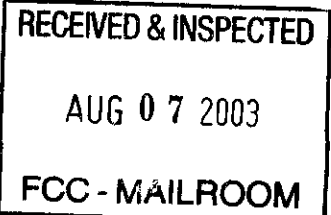




CUSTOMIZED MEDICAL EDUCATION



July 30, 2003

Marlene H Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Petition for Clarification  
Proceeding #02-278 TCPA

Dear Ms. Dortch:

The *CBCE™ (The Center for Biomedical Continuing Education)* is an accredited provider of continuing medical education for physicians as well as continuing education for nurses and pharmacists. With regard to the subject proceeding, we respectfully petition for clarification on two specific business practices of essential value in the delivery of our educational offerings.

First, within the normal course of business, we offer continuing education opportunities to healthcare professionals at no cost to the participants. Such opportunities are of great value to participants, as continuing education credits are needed for re-certification and/or license renewal. These educational activities are funded by educational grants from commercial supporters. There are no sales activities allowed at such activities and participants are not invited or encouraged to purchase any type of goods or services from the *CBCE*.

Our educational activities vary and therefore so do the target audiences. We have sponsored activities targeting healthcare professionals specializing in immunology, oncology, MRI, depression, etc. Often times these activities are conducted in conjunction with a major medical conference as satellite events to the medical association's annual meeting. These forthcoming activities are announced to the appropriate physician specialties via facsimile. Therefore, it is not feasible to maintain multiple permission fax databases for healthcare professionals within the many therapeutic specialties when it is our obligation as an accredited CME provider to offer the activities to the entire target audience for the activity.

Based on the ongoing need for continuing education and the fact that the activities offered are free of charge, we would consider such communication of business value and are not commercial advertisements. We respectfully request your clarification if such announcements via fax are permissible within the scope of the updated TCPA.

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**Accreditation Statements**

The Center for Biomedical Continuing Education is accredited by the Accreditation Council for Continuing Medical Education to provide continuing medical education for physicians

The Center for Biomedical Continuing Education is accredited as a provider of continuing education in nursing by the American Nurses Credentialing Center's Commission on Accreditation

The Center for Biomedical Continuing Education, a Division of SG Madison and Associates, is accredited by the American Council on Pharmaceutical Education as a provider of continuing pharmaceutical education



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Secondly, we invite local hospitals and others throughout the country to host these free educational activities. Again, there is no charge to the hospital and in fact, we often provide a stipend to the host institution to cover any administrative costs that it may incur associated with hosting the activity. The hospitals are then able to offer the continuing education opportunity to their in-house staff and local healthcare professionals. The hospital is not invited or encouraged to purchase any type of goods or services from the *CBCE*.

Many times, these educational activities are presented based on availability of a host institution and a faculty member/presenter and are scheduled and presented within a very tight timeframe. The most efficient way to acquire a host and notify healthcare professionals is via facsimile. In this instance too, we request your clarification that inviting a hospital via facsimile to host an educational activity would be permissible within the scope of the updated TCPA.

Thank you for your consideration of the above; we look forward to your favorable response. If you have any questions or require further clarification, do not hesitate to contact me at 214-260-0036 or via e-mail at [dhenderson@thebce.com](mailto:dhenderson@thebce.com).

Sincerely,

A handwritten signature in black ink, appearing to read 'Deborah Henderson', with a large, sweeping flourish extending from the end of the name.

Deborah Henderson, MA  
Manager of Continuing Medical Education